

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		<b>Agency No.</b>		<b>Rule No.</b>		<b>Section No.</b>
<b>Utah Admin. Code Ref (R no.):</b>	<b>R</b>	156	-	63a	-	
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>		-		-	

<b>1.</b>	<b>Agency:</b>	Commerce/Division of Occupational and Professional Licensing		
	<b>Room no.:</b>			
	<b>Building:</b>	Heber M. Wells Building		
	<b>Street address 1:</b>	160 East 300 South		
	<b>Street address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84111-2316		
	<b>Mailing address 1:</b>	PO Box 146741		
	<b>Mailing address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84114-6741		
	<b>Contact person(s):</b>			
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
	Jana Johansen	801-530-6621	801-530-6511	janajohansen@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

<b>2.</b>	<b>Title of rule or section (catchline):</b>
	Security Personnel Licensing Act Contract Security Rule
<b>3.</b>	<b>Type of notice:</b>
	New ____; Amendment XXXX; Repeal ____; Repeal and Reenact ____
<b>4.</b>	<b>Purpose of the rule or reason for the change:</b>
	The Division and Security Services Licensing Board reviewed the rule and found changes that need to be made.
<b>5.</b>	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>
	No XXXX; Yes ____
<b>6.</b>	<b>Summary of the rule or change:</b>
	Section 502: Paragraphs (2) and (3) in this section reference a section of rule that was deleted in a January 2011 rule filing and as a result, those sections need to be deleted. Section 609: A rule change in 2014 deleted the requirement for a copy of a Utah specific driver license or Utah specific identification card for security personnel as a qualification for licensure. Therefore, operating standards in this section also need to reflect the change. References to Utah specific identification card and driver license are updated.
<b>7.</b>	<b>Aggregate anticipated cost or savings to:</b>
	<b>A) State budget:</b>
	<b>Affected:</b> No ____; Yes XXXX

	The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	<b>B) Local government:</b>		
	<b>Affected:</b>	No XXX; Yes ____	
	The proposed amendments apply only to licensed unarmed and armed private security officers and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.		
	<b>C) Small businesses</b> ("small business" means a business employing fewer than 50 persons):		
	<b>Affected:</b>	No ____; Yes XXX	
	The proposed amendments apply only to licensed unarmed and armed private security officers and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business. An unquantifiable amount may be saved by potential employees receiving licenses quicker, due to not having to wait for the Utah specific identification card or driver license being issued.		
	<b>D) Persons other than small businesses, businesses, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):		
	<b>Affected:</b>	No XXX Yes ____	
	The proposed amendments apply only to licensed unarmed and armed private security officers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings for other persons.		
8.	<b>Compliance costs for affected persons:</b>		
	The proposed amendments apply only to licensed unarmed and armed private security officers and applicants for licensure in those classifications. An unquantifiable amount may be saved by an individual due to not having to wait for the Utah specific identification card or driver license.		
9.	<b>A) Comments by the department head on the fiscal impact the rule may have on businesses:</b>		
	As stated in the rule analysis, this filing deletes language that has been rendered obsolete by prior filings. No fiscal impact to businesses is anticipated.		
	<b>B) Name and title of department head commenting on the fiscal impacts:</b>		
	Francine A. Giani, Executive Director		
10.	<b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b>		
	<b>State code or constitution citations (required)</b> (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	
	Section 53-63-101		
11.	<b>This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i> ):		
		<b>First Incorporation</b>	<b>Second Incorporation</b>
	<b>Official Title of Materials Incorporated (from title page)</b>		
	<b>Publisher</b>		
	<b>Date Issued</b>		
	<b>Issue, or version</b>		
	<b>ISBN Number (optional)</b>		
	<b>ISSN Number (optional)</b>		
	<b>Cost of Incorporated Reference</b>		
	<b>Action: Adds, updates, or removes</b>		
	(If this rule incorporates more than two items by reference, please attach additional pages)		

<b>12.</b>	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>	06/15/2015	
	<b>B) A public hearing (optional) will be held:</b>		
	<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
	05/18/2015	10:00 AM	160 East 300 South, Conference Room 475, Salt Lake City, Utah
<b>13.</b>	<b>This rule change may become effective on (mm/dd/yyyy):</b>		06/22/2015
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
<b>14.</b>	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	licensing	security guards	
	private security officers		
<b>15.</b>	<b>Attach an RTF document containing the text of this rule change (filename):</b>		R156-63a.pro
<b>To the agency:</b> Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
<b>AGENCY AUTHORIZATION</b>			
<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date (mm/dd/yyyy):</b>	04/21/2015

**R156. Commerce, Occupational and Professional Licensing.**

**R156-63a. Security Personnel Licensing Act Contract Security Rule.**

**R156-63a-502. Unprofessional Conduct.**

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that a private security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

~~(2) [employing an unarmed or armed private security officer, as an on-the-job trainee exempted from licensure pursuant to Section R156-63a-307, who has been convicted of:~~

~~—— (a) a felony;~~

~~—— (b) a misdemeanor crime of moral turpitude; or~~

~~—— (c) a crime that when considered with the duties and functions of an unarmed or armed private security officer by the Division and Board indicates that the best interests of the public are not served;~~

~~—— (3) employing an unarmed or armed private security officer who fails to meet the requirements of Section R156-63a-307;~~

~~—— (4) ]utilizing a vehicle [whose]with markings, lighting, and/or signal devices that imply or suggest that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6a-102(3) and Section 41-6a-310 and in Title R722, Chapter 340;~~

~~([5]3)~~ utilizing a vehicle with an emergency lighting system ~~[which]that~~ violates the requirements of Section 41-6a-1616 of the Utah Motor Vehicle Code;

~~([6]4)~~ wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the unarmed or armed private security officer is connected with a federal, state, or municipal law enforcement agency;

~~([7]5)~~ being incompetent or negligent as an unarmed private security officer, an armed private security officer, or ~~[by]~~a contract security company, so as to cause~~[that results in]~~ injury to a person or ~~[that]~~create~~[s]~~ an unreasonable risk that a person ~~[may]~~might be harmed;

~~([8]6)~~ failing as a contract security company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees ~~[to the extent that]~~so as to place the public health and safety ~~[are]~~at risk;

~~([9]7)~~ failing to immediately notify the Division of the cancellation of the contract security company's insurance policy;

~~([10]8)~~ failing as a contract security company or an armed or unarmed private security officer to report a criminal offense pursuant to Section R156-63a-613; and

~~([11]9)~~ wearing a ~~[a]~~ uniform, insignia, or badge, or displaying a license, that would lead a reasonable person to believe that an individual is connected with a contract security company, when not employed as an armed or unarmed private security officer by a contract security company.

**R156-63a-609. Operating Standards - Proper Identification of Private Security Officers.**

All armed and unarmed private security officers shall carry a valid security license together with a government-issued~~[Utah]~~ identification card ~~[issued by the Division of Driver License]~~ or a current state-issued~~[Utah driver's]~~driver license whenever performing the duties of an armed or unarmed private security officer and shall exhibit said license and identification upon request.

**KEY: licensing, security guards, private security officers**

**Date of Enactment or Last Substantive Amendment: [~~November 24, 2014~~]2015**

**Notice of Continuation: September 9, 2013**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101**